

SB248

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Senate Judiciary

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The founding fathers of the United States—visionaries such as George Washington, Thomas Jefferson, James Madison, and Benjamin Franklin—crafted a nation grounded in the principles of liberty, self-reliance, and the defense of both constitutional and natural rights. If presented with this bill and its underlying statute regarding the regulation of cannabis (hemp; as defined in Kansas Statute), one might imagine their response would be rooted in the values that shaped the country: respect for individual freedoms, responsibility in governance, and trust in the self-sufficiency of citizens.

The founding fathers were, in many respects, agrarians. Both Washington and Jefferson famously cultivated cannabis on their estates, seeing it as a valuable crop for rope, textiles, and other practical uses.<sup>1</sup> They would likely applaud the notion of Kansans involved in the capitalism of cannabis production but also recognizing it as an extension of self-reliance and agricultural independence. Citizens responsibly cultivating useful plants like cannabis would be consistent with the spirit of American liberty and enterprise and while the establishment of rudimentary procedures and regulations is understandable, the founders would most likely warn against a regulatory environment that stifles innovation, burdens the individual, or treats citizens with undue suspicion. They would likely advocate for a system that balances oversight with respect for personal autonomy and the rights of property, especially concerning the cultivation of plants like cannabis.

There is much evidence that the founding fathers believed deeply in the protection of individual rights, both those enumerated in the Constitution and those considered inherent to all people. When evaluating laws and potential bills such as the ones being discussed today, they might ask whether these regulations respect the rights of citizens to pursue their livelihoods, manage their property, and contribute to the common good.

You, as Kansas legislators, have a duty to defend these rights—not only those codified in the Bill of Rights but also the natural rights articulated by thinkers like John Locke<sup>2</sup> and echoed in the Declaration of Independence: life, liberty, and the pursuit of happiness. Restrictions on who may grow cannabis, requirements for criminal background checks, and limitations on licensing might raise concerns about fairness and due process. The founders would likely urge legislators to ensure that such provisions are narrowly tailored and do not infringe upon the fundamental freedoms of Kansans.

This bill and its underlying statute's detailed procedures for documentation, inspections, and corrective actions reflect a robust and burdensome regulatory approach. While the founding fathers recognized the

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<sup>1</sup> [Hemp Makes a Return to George Washington's Farm](#)

<sup>2</sup> [John Locke - Enlightenment, Philosophy, Politics | Britannica](#)

necessity of government to maintain order and protect the public, they were wary of centralized power and bureaucratic overreach. Here, the Ninth and Tenth Amendments to the United States Constitution would provide particularly relevant guidance. The Ninth Amendment affirms that the enumeration of certain rights in the Constitution does not mean that others do not exist; it is a safeguard for unenumerated rights retained by the people. The Tenth Amendment reserves to the states and the people all powers not expressly delegated to the federal government. These amendments highlight the founders' intent to limit federal and state overreach, ensuring that individual liberty—including rights related to the cultivation of plants like cannabis—remains secure even in areas not explicitly outlined by law.

In the context of cannabis regulation, the founding fathers would likely urge Kansas lawmakers to consider whether the statute upholds the spirit of these amendments. Does the law respect the unenumerated rights of Kansans to cultivate their land and pursue enterprise, including the growing of cannabis? Does it maintain the balance of power between state authority and individual autonomy? The founders might encourage Kansas to exercise its reserved powers thoughtfully, crafting regulations that enable innovation and self-reliance while avoiding unnecessary intrusion into the lives of its citizens—particularly in the realm of cannabis agriculture.

They would likely encourage Kansas lawmakers to review these measures and ask: Are they truly necessary? Do they empower citizens, or do they create barriers to lawful enterprise? In the matter of cannabis, the founders might see an opportunity for Kansas to lead by example—showing how a state can responsibly regulate a crop while upholding the principles of liberty, self-reliance, and respect for both state and individual rights.

If the founding fathers were to address the Kansas legislature today, they would likely remind lawmakers of their sacred trust: to defend both the constitutional and natural rights of the people. They would invoke the Ninth and Tenth Amendments as enduring reminders that government's primary duty is to protect liberty, not to restrict it. They would urge vigilance against unnecessary restrictions, advocate for responsible stewardship of natural resources like cannabis, and emphasize the importance of self-reliance as a pillar of American strength. Ultimately, they would call for laws that reflect the best of the American tradition—balancing regulation with liberty and always placing the rights and dignity of citizens at the forefront of legislative action.